

California Department of Justice
 FIREARMS DIVISION
 Randy Rossi, Director

INFORMATION BULLETIN

Subject:

NEW AND AMENDED FIREARMS LAWS

No.:

FD 99-04

Date:

12-09-1999

For further information contact:

***Firearms Division
 (916) 227-3703***

TO: ALL CALIFORNIA FIREARMS DEALERS

Effective January 1, 2000, the California Penal Code (PC) will be revised to include amendments to existing weapons code sections as well as new weapons code sections as a result of 1999 legislative action. This bulletin provides a brief summary of these changes. For more detailed language, you may contact the Legislative Bill Room Annex at (916) 445-2323 to obtain copies of these bills (order by statute year and chapter number) or you may access the full text of these bills via the Internet at <http://www.leginfo.ca.gov/>. Additional information regarding firearms laws, including the full text of the Dangerous Weapons' Control Law, is available on the Internet at the Department of Justice (DOJ) Firearms Division web site at <http://caag.state.ca.us/firearms/>.

SB 15 (stats. 1999, ch. 248) (Polanco)

- ! Requires the DOJ to certify independent laboratories to test handguns for compliance with the safety provisions of this statute by October 1, 2000. This bill also requires the testing by a DOJ-certified independent laboratory of each handgun model sold, imported, or manufactured in this state to determine if that handgun model meets the specified firing and drop-safety requirements. The DOJ is authorized to charge laboratories seeking certification fees for costs related to laboratory certification (PC § 12130).
- ! Specifies firing and drop-safety requirements for handguns (PC §§ 12127, 12128).
- ! Effective January 1, 2001, requires handguns manufactured in California or sold to the public to pass a series of tests relative to safety and functionality. This statute generally prohibits the manufacture, importation for sale, sale, or lending/transfer of any "unsafe" handgun. A violation of the provisions of this statute is a misdemeanor (PC § 12125).
- ! Commencing January 1, 2001, requires the DOJ to compile, publish, and thereafter maintain a roster listing those handguns that have been tested and certified by the DOJ as "not unsafe" and, therefore, may be sold in California. The DOJ is authorized to charge fees necessary to support activities related to compiling this list (PC § 12131).
- ! The sale, loan, and transfer requirements of this bill generally do not apply to private party transfers; transfers that are not required to be conducted by firearms dealers; transfers of curios and relics; returns of firearms by firearms dealers to persons who delivered a firearm to a dealer for service or repair; and returns of handguns that were initially delivered to the dealer for the purpose of a consignment sale or as collateral for a pawnbroker loan. Transactions involving single-action revolvers as specified are exempt from the provisions of this bill (PC §§ 12132, 12133).

SB 23 (stats. 1999, ch. 129) (Perata)

! Commencing January 1, 2000, prohibits the manufacture, importation, sale, or transfer of any large capacity magazine unless to specifically designated parties and under specified conditions. A violation of this provision is a misdemeanor or a felony. A large capacity magazine is defined as any ammunition feeding device with the capacity to accept more than ten rounds but shall not include any .22 caliber tube ammunition feeding device. Firearms dealers may sell large capacity magazines only to parties who are exempt under PC section 12020 from the large capacity magazine restriction. Conditions and entities specifically exempted under this statute by PC section 12020 include:

- S Sale to, giving to, lending to, or importation or purchase of a large capacity magazine by federal, state, and local law enforcement agencies.
- S Sale to, lending to, transfer to, purchase by, receipt of, or importation of a large capacity magazine by a California peace officer who is authorized to carry a firearm in the scope of his or her duties.
- S Sale of a large capacity magazine to a California firearms dealer.
- S Lending or giving of a large capacity magazine to a California firearms dealer or gunsmith for maintenance, repair, or modification and the return of the magazine to its owner.
- S Sale to, giving to, or lending of large capacity magazines to entities that operate armored vehicle businesses, the lending of large capacity magazines by these entities to their authorized employees, and the return of those magazines to the armored vehicle businesses by their employees.

Firearms dealers selling large capacity magazines must obtain proof of exempt status in one of the following ways:

- S Law enforcement officers – copy of police photo identification.
- S Law enforcement agencies - copy of official invoice.
- S Other exempted parties - letter on company stationary stating that the purchase is a qualified exempted transaction.

All records must be maintained for no less than three years and must be made available upon request to any peace officer or DOJ representative (PC §§ 12020, 12079).

This statute does not prohibit the possession of large capacity magazines. It restricts only their manufacture, importation, sale, lending, or transfer.

Upon a showing of good cause, the DOJ may issue permits to licensed California firearms dealers allowing for the importation and exportation of large capacity magazines (PC § 12079).

! Commencing January 1, 2000, adds new definitions for assault weapons based on specified generic characteristics. Requires these newly defined assault weapons to be registered with the DOJ by January 1, 2001. Firearms that have been specified as assault weapons under PC section 12276 (original Roberti-Roos Assault Weapons Control Act) may not be registered under this statute. After the one-year registration period, any person found in possession of an assault weapon is guilty of a misdemeanor or a felony unless the offense occurred within one year of the end of the registration period and meets specified conditions, in which case the

offense would be an infraction. An assault weapon as specified in this statute is any one of the following:

- (1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:
 - (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
 - (B) A thumbhole stock.
 - (C) A folding or telescoping stock.
 - (D) A grenade launcher or flare launcher.
 - (E) A flash suppressor.
 - (F) A forward pistol grip.
 - (2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
 - (3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.
 - (4) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:
 - (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
 - (B) A second handgrip.
 - (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel.
 - (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.
 - (5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.
 - (6) A semiautomatic shotgun that has both of the following:
 - (A) A folding or telescoping stock.
 - (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
 - (7) A semiautomatic shotgun that has the ability to accept a detachable magazine.
 - (8) Any shotgun with a revolving cylinder.
- (PC §§ 12276.1, 12280)

! Requires the DOJ to conduct a public education and notification campaign including outreach to local law enforcement agencies and utilization of public service announcements in a variety of media approaches to ensure maximum publicity of the registration requirement and associated time frame to comply (PC § 12289).

! The Firearms Division has convened a committee of persons who are knowledgeable about firearms and has conducted meetings with these persons in order to gain the expertise necessary to formulate DOJ regulations governing the implementation of the new assault weapon provisions. The regulations currently under development will clarify the defining characteristics of assault weapons as well as codify necessary policies relative to assault weapons and large capacity magazines. We expect the regulations to be published for a 45-day public comment period beginning early in the year 2000. During the public comment

period, any person may submit to the DOJ comments related to the proposed regulations. The DOJ will publish a response to each comment received. More information relative to the adoption of departmental regulations will be released as it becomes available.

- ! Some firearm devices (stocks, flash suppressors, etc.,) which claim to be “SB 23 compliant” have become available on the market. **At this time, these devices have not been approved by the DOJ as being in compliance with the terms of SB 23.** Some or all of these devices will not be in compliance with regulations and definitions currently under development by the DOJ.

AB 106 (stats. 1999, ch. 246) (Scott/Aroner)

- ! Commencing January 1, 2000, all firearms sold, transferred by a firearms dealer, or manufactured in California must have a label displayed in its entirety on the principal display panel of each firearm’s package and on any descriptive materials that accompany the firearm. The warning statement must be displayed in both English and Spanish as follows:



WARNING

Children are attracted to and can operate firearms that can cause severe injuries or death. Prevent child access by always keeping guns locked away and unloaded when not in use. If you keep a loaded firearm where a child obtains and improperly uses it, you may be fined or sent to prison.



ADVERTENCIA

A los niños los atraen las armas de fuego y las pueden hacer funcionar. Ellos pueden causarse lesiones graves y la muerte. Evite que los niños tengan acceso a las armas de fuego guardándolas siempre con llave y descargadas cuando no las esté utilizando. Si usted tiene un arma de fuego cargada en un lugar en que un niño tiene acceso a ella y la usa indebidamente, le pueden dar una multa o enviarlo a la cárcel.

A yellow triangle containing an exclamation mark shall appear immediately before the word “WARNING” on the label. If the firearm is sold or transferred without accompanying packaging, the warning statement must be affixed to the firearm itself by a method prescribed in regulations issued by the Attorney General (PC § 12088.3).

The DOJ **will** provide each firearms dealer with an initial supply of the required warning labels. The labels will be sent to firearms dealers in a separate mailing prior to January 1, 2000, which is the date that the requirement to provide the warning labels commences.

- ! Commencing January 1, 2000, the DOJ will, as authorized by this statute, require each firearms dealer to charge each firearm purchaser or transferee a fee not to exceed one dollar (\$1) for each Dealer's Record of Sale transaction to cover department costs related to this act (PC § 12088.9).
- ! Any failure by a firearms dealer or manufacturer to provide a printed warning (effective January 1, 2000) or certified safety device (effective January 1, 2002) is punishable by a fine of one thousand dollars (\$1,000). On the second violation, the dealer or manufacturer shall be suspended from selling/transferring and/or manufacturing firearms for a period of 30 days and be fined one thousand dollars (\$1,000). On the third violation, a firearms dealer shall become permanently ineligible to sell/transfer firearms and a manufacturer shall become permanently ineligible to manufacture firearms in this state (PC § 12088.6).
- ! Commencing January 1, 2002, all firearms sold, transferred, or manufactured in California must include a firearm safety device approved by the Attorney General. Certain specified transactions (including antique firearms, law enforcement firearms, and transactions involving a prior purchase of an approved safety device or gun safe) are exempt from this requirement. Effective January 1, 2001, the DOJ shall certify laboratories to test firearms safety devices for compliance with DOJ standards. On and after July 1, 2001, the DOJ shall compile, publish, and thereafter maintain a roster listing all of the tested safety devices that comply with DOJ standards for sale in this state (PC § 12088.1).
- ! If at any time subsequent to implementation of the firearm safety device standards the Attorney General determines that a firearm safety device or gun safe does not conform with specified standards, the Attorney General is authorized to order the recall and replacement of the gun safe or safety device (PC § 12088.4).
- ! This article does not apply to the commerce of antique firearms as defined in United States Code section 921(a)(16) nor to the commerce of any firearm intended to be used by salaried, full-time peace officers (PC § 12088.8).

AB 202 (stats. 1999, ch. 128) (Knox)

- ! Commencing January 1, 2000, AB 202 makes it a misdemeanor or a felony for any firearms dealer to deliver more than one handgun following notice from the DOJ that the individual applying for purchase/transfer has made an application to purchase/acquire a handgun in the prior 30-day period. Certain specified transactions (including law enforcement handguns, private party transactions, returns of handguns to the owners, etc.) are exempt from the 30-day restriction (PC § 12072).
- ! Commencing January 1, 2000, makes it an infraction or a misdemeanor for any person to make an application to purchase/acquire more than one handgun in a 30-day period. Certain specified transactions are exempt from the 30-day restriction (PC § 12072).

- ! Commencing January 1, 2000, requires the DOJ to examine its records for each handgun transaction to determine which persons taking title to a handgun have purchased/acquired handguns in the prior 30-day period. If the DOJ determines that an individual attempting to purchase/acquire a handgun has purchased/acquired a handgun in the 30 days prior to the current transaction, the department must stop the sale/transfer and notify the law enforcement agency that has principal jurisdiction over where the sale/transfer was attempted (PC § 12076).

- ! Commencing January 1, 2000, amends PC section 12071 to require firearms dealers to post the following sign in block letters of not less than one (1) inch:

NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD.

AB 491 (stats 1999, ch 571) (Scott)

- ! Commencing January 1, 2000, increases the penalties for the crime of carrying a concealed handgun and ammunition for that handgun or the crime of carrying a loaded handgun from a misdemeanor to a possible felony if the handgun is not on file in the registry which the DOJ is required to keep and maintain pursuant to PC section 11105 (PC §§ 12025, 12031).

- ! Requires the Attorney General, upon written request by any person listed in the DOJ firearm registry as the owner of a handgun through a Dealer's Record of Sale transaction prior to 1979, to store and keep the record on file electronically in the registry which the DOJ is required to keep and maintain pursuant to PC section 11105. The Attorney General must also provide the person with written notice that the request has been honored (PC § 11106).

If you have any questions or require further assistance concerning this Information Bulletin, please contact the Firearms Division at (916) 227-3703.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Rossi', with a large, stylized flourish above the name.

RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

WS